

## REMARKS

With regard to paragraph 3 of the Examiner's action the Examiner rejects claims 19, 21 -26 as anticipated under 35 U.S.C. 102(e) by the Drasler et al. patent (USPN 5,496,267).

With Respect to claim the method claim 26. The Examiner argues that Drasler shows a fluid supply catheter, a lumen, a distal aperture and a sheath, wherein the ablation catheter is located within the sheath and adapted for motion with respect to the sheath. Applicant respectfully suggests that the Drasler reference does not exhibit this feature and that in fact the sheath, that provides a passage for the extraction of debris from the vessel, is stationary with respect to the nozzle that injects fluid. This topology is shown in all of the figures of Drasler. As a consequence, the structures shown in Drasler cannot participate in or be used to carry out the method claim 26, nor may Drasler operate inside the claim as called for in claim 23 or its dependant claims

Since there is there is no relative motion with respect to the orifice discharging fluid and the apertures into which the fluid is discharged among other reasons the claims 19 21-26 are not anticipated by Drasler.

Additional the Examiner argues that the aperture direction defined by the Drasler reference in Figures 8, 14 and 21 for example, meet the angular limitation of Claim 19 (for example). However, the claim requires that a control body proximate the aperture turns the emerging jet through an angle forcing it into a retrograde direction. Applicant submits that in each Drasler embodiment the jet is linear and that it does not turn into the retrograde direction. This is because there is pressure difference across the jet (Coanda effect) in any of the Drasler structures. For either of these two reasons Drasler does not anticipate claim 19 21-26 .

With respect to paragraph 4, of the Examiners action, the Examiner rejects claims 19 and 21-26 as anticipated by Ruggio (USPN 5,476,450). The Ruggio reference shows an infusion wire inside of an aspiration sheath, and in operation a thrombolytic drug is introduced through the infusion wire. Then debris, blood and other material are aspirated through the sheath. The reference is not explicit about the availability of relative motion between the infusion wire and the sheath but as understood by Applicant this feature is present in the reference. With respect to claim 1, however, the

direction of flow of the Ruggio device depicted in Figures 13 and 15 are parallel to the axis of the device and are in the antegrade or "forward going" direction.

With respect to claim 19 there is a requirement that the fluid be ejected from the catheter laterally or between lateral direction and a 45-degree ejection. The control body located "downstream" of the ejection port causes a pressure difference to build across the jet turning it into the retrograde direction. In Ruggio aspiration is provided to induce retrograde flow and there is no pressure difference developed across the jet turning it. This is simply a rinsing system with antegrade injection and retrograde aspiration. Once again there is no Coanda effect resulting in the turning of the jet based upon a pressure difference across the jet. Turning to claim 23-26 kindly note that there is no turning of the injected jet of fluid by an adjacent control body (no Coanda effect) and so the reference lacks at last one element of the claims.

With respect to paragraph 5 (and 3) the Examiner has rejected claims 19, 21 -22 as anticipated by Neracher (USPN 5,135,482). The Neracher reference has been discussed in rejections and responses. It is the Examiner's view that Neracher (particularly Figures 5 6 and 10) show a jet emanating from the tip in the appropriate claimed direction and that the angular limitations of the claims are met. Neracher certainly ejects a jet at an angle with respect to the centerline of the catheter or along the axis of the catheter, there is no question about this. However no matter which way it is aimed it continues along in a straight-line fashion it is a linear free jet. There is no control body adjacent the aperture to form a control body. Therefore there is no way to affect the direction of flow downstream of the aperture. The angular relationships called for in the claim cannot be readily applied to the Neracher structure because an element is missing. Without a control body one cannot draw the "tangent."

The claims at issue require a control body to be located immediately adjacent the aperture in providing a barrier limiting fluid entrainment at the location of the control body. This fundamental asymmetrical relationship is simply not present in the Neracher device. Neracher is not in anticipation of claim 19 or 21-22.

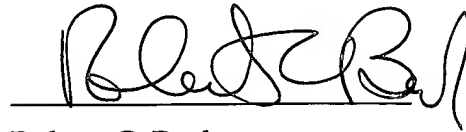
## **CONCLUSION**

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited. If the

Applicant has not fully understood the rejection the undersign invites a telephone call to clarify the matter.

Respectfully submitted,  
SPRITE SOLUTIONS  
By its attorneys:

Date: 4/18/05

A handwritten signature in black ink, appearing to read "Robert C. Beck", written over a horizontal line.

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